

### **Redesign of the Children's Hearings System**

#### **Summary and Recommendations**

The Promise, Plan 21 – 24 and Change Programme ONE have outlined that change is required within the Children's Hearing's System to deliver what children, young people and families said throughout the Independent Care Review.

In August, The Promise Scotland launched a Hearings System Working Group, chaired by former Sheriff David Mackie. This paper gives a brief introduction to this work and outlines the intended timeline for the drafting of new legislation.

This paper invites Board Members to:

- i. Note and provide comment on the redesign work of the Children's Hearing System, led by The Promise Scotland.

#### **References**

Previous reports on Children's Hearings:

- 21-04-01 Children's Hearings Recovery
- 20-11-20 Children's Hearings Recovery
- 20-10-02 Children's Hearings Scotland – Consultation 16/17 year olds

**Jillian Gibson**  
**Policy Manager – Children and Young People**  
[jillian@cosla.gov.uk](mailto:jillian@cosla.gov.uk)  
**0131 474 9259**

**October 2021**

## **Redesign of the Children’s Hearings System**

### **Purpose**

1. The Promise outlined what the Care Review heard from thousands of children, young people and families and the paid and unpaid workforce said about the Children’s Hearings System. [Plan 21 – 24](#) and [Change Programme ONE](#) outlined what must happen next, in relation to Children’s Hearings to Keep the Promise.
2. This paper provides Board Members with information on The Promise Scotland’s work to redesign the Children’s Hearings System by developing a new Hearings Systems Working Group, chaired by former Sheriff David Mackie.

### **Current COSLA Position**

3. Since the establishment of Children’s Hearings Scotland, COSLA have engaged with stakeholders in the Hearings System primarily through attendance at the Children’s Hearings Improvement Partnership (CHIP), its subgroup the Children’s Hearings Covid-19 Recovery Group and through engagement with professional associations.
4. COSLA will continue its engagement in current improvement work through the Children’s Hearings Improvement Partnership alongside participation in the redesign work as outlined below.

### **What is changing?**

5. Plan 21 – 24 stated that by 2024 the Children’s Hearings System will have gone through a redesign process. That redesign process will bring together children and families, and organisations that hold the responsibility, to rethink the structures, processes and legislation that underpin the Children’s Hearings system. The aim will be to ensure there are coherent, cohesive and collaborative proposals on an operating framework for the Children’s Hearings System that has been designed with children and families. The redesign process will be underpinned by:
  - giving effect to [the promise](#);
  - ensuring compliance with the UNCRC,
  - upholding the original intention of [The Kilbrandon Report](#), that children involved in offending need care and protection; and
  - ensuring The Children’s Hearings System and The Courts can facilitate child friendly justice that upholds children’s rights and enables their effective participation.
6. The Hearings System Working Group is a partnership between Children’s Hearings Scotland, the Scottish Children’s Reporter Administration and The Promise Scotland, with participation from Scottish Government officials. The Working Group will produce clear proposals that redesign the system and define the legislative changes required.
7. Throughout the Working Group’s lifetime they will also work collaboratively with COSLA, SOLACE, Police Scotland, Social Work Scotland, Legal service providers, advocacy providers and organisations that provide safeguarding work and support. The lived

experience of the Children's Hearings System will be at the centre of a new legislative framework.

8. The proposed timetable is:

- Summer 2021: Working Group set up and Independent Chair appointed
- Autumn 2021: Scope of inquiry and process agreed
- 2022: Working Group activity and Inquiry
- Early spring 2023: Draft proposals agreed
- Autumn 2023: Proposals published for consultation
- 2023-2024: Legislation Drafted

### **Proposed COSLA Position**

9. The Promise Scotland have been clear that COSLA Officers and the Children and Young People Board will play a crucial role in the redesign process. Officers will engage in the Working Group when required and updates to and engagement with the Board will take place throughout the lifetime of the Working Group.

### **Next Steps**

10. COSLA Officers will engage with The Promise Scotland and the Children's Hearings System Working Group and engage with the Children and Young People Board as and when required.

**October 2021**